

Evelyn Konrad  
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8 August 2013

Hon. Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
P.O. Box 9014  
Central Islip, New York 11722

RE: *Konrad v. Epley et al.*  
Docket No. 12-cv-4021

REQUEST FOR TIME EXTENSION TO  
FILE OBJECTIONS TO MAGISTRATE  
JUDGE BOYLE'S "REPORT AND  
RECOMMENDATIONS"

Dear Judge Bianco:

I am addressing this request for an extension of time to you, because of the sudden change in Magistrate Judges assigned to my case. I consider this letter request also as my effort to inform the newly assigned Magistrate Judge Kathleen Tomlinson, and Magistrate Judge E. Thomas Boyle, since I am objecting on several counts to his "report and recommendations" about my above-referenced case. I am making this request for a time extension for filing my objections, because of Magistrate Judge Boyle's threat on page 40 of his report that my failure to file such objections within 14 days would deprive me of my right to appeal a decision from this Court.<sup>(1)</sup>

Because of what I see as the seriousness of Magistrate Judge's misinterpretation of laws, ignoring of dispositive documents, and unwarranted threats of depriving plaintiff of her Constitutional rights to seek government recourse, as any U.S. citizen may do, I am seeking the counsel of another attorney. However, because August is the traditional holiday month for judges and lawyers, the attorney I have emailed for counsel will not be available to receive email or telephone messages until after 19 August. Since he may well require as many days as have been given to plaintiff, I am requesting a time extension for the filing of my objections until September 4, 2013.

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<sup>(1)</sup> *Thomas v. Arn*, 474 U.S. 140 (1985), the U.S. Supreme Court case on which the Magistrate Judge Boyle relies for authority, does not seem to confirm his conclusion, as cited on page 40 of his report, that failure to file objections would result in plaintiff losing the right to appeal. In fact, the Magistrate's Act, 28 U.S.C. § 636(b)(1)(C), quoted within the body of the Supreme Court decision, states that "The Act clearly specifies the penalty for a party's failure to file objections to the magistrate's report. . . the party loses his right to *de novo* review by the district court. The Act does not *require* a party to file objections. And it does not, contrary to the Sixth Circuit's rule, provide that a party's failure to file objections deprives him of the right to *any* review by the district court, \* or by the court of appeals. . . The Act leaves unaffected a party's right to appeal the judgment of the district court to the court of appeals." However, nonetheless, plaintiff is complying with the Magistrate Judge's order out of an abundance of caution, and herewith announcing her intention to file objections.

This is my first request for a time extension to file objections to the report and recommendations which Magistrate Judge E. Thomas Boyle filed on 31 July.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Evelyn Konrad', is written over the typed name.

Evelyn Konrad

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ecf

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